

# **3 FAM 2360**

## **TELECOMMUTING**

*(TL:PER-372; 10-01-1999)*

### **3 FAM 2361 COVERAGE**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

This subchapter applies to:

(1) Civil Service and Foreign Service employees who are on assignment in the United States with at least one year of Government service; and

(2) Given the unique and varied local conditions which exist from post to post, telecommuting arrangements for U.S. direct-hire employees assigned abroad must be reviewed carefully on a case-by-case basis. Security concerns, inviolability (or lack thereof) of the telecommuter's personal residence, possessions, and correspondence, the proximity of the personal residence to the mission where the employee is assigned and the location of the personal residence in the third country may affect the acceptability of certain telecommuting arrangements abroad. All other terms and conditions of the regulations contained herewith apply to telecommuters abroad, with the following additional requirements:

(a) The decision whether to notify the host country of a telecommuting arrangement shall be made by the mission in view of the factors listed in the paragraph above in this section;

(b) Official documents in the mission's employees residence shall be safeguarded and segregated from personal documents and possessions;

(c) All telecommuting arrangements are subject to NSDD-38 requirements;

(d) To ensure the highest level of security awareness and conformance to provisions contained in 12 FAM 620, requests by employees posted abroad to telecommute must be approved by the regional security and administrative officers, in addition to his or her supervisor. Regional security and administrative officers should consult with the information management officer. The chief of mission, or his or her delegee, must also approve the telecommuting arrangements; and

(e) Requests for telecommuting across national borders shall be referred to the Department (PER, L/EMP, L/DL) for approval. The chief of mission in both the country from which the employee will be telecommuting as well as in the post where the employee is assigned shall approve an across national borders telecommuting arrangement;

(3) These regulations do **not** cover locally-hired staff abroad including U.S. citizens, third country national, and foreign service nationals;

(4) These regulations do **not** address telecommuting arrangements for reasons of disability. Telecommuting arrangements, as accommodation for disability, are determined by the Disability Program Manager in the Bureau of Personnel (PER/ER/WFP) in accordance with the provisions of the Americans with Disabilities Act (ADA).

## **3 FAM 2362 GENERAL**

### **3 FAM 2362.1 Provisions and Locations**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Telecommuting is an arrangement in which the employee works at a place other than the traditional work site. Typically, the employee covered under a telecommuting agreement works up to **two days** in the work week at home or at a telecommuting center and the remainder of the work week at the traditional office. Abroad, the telecommuting work site shall be limited to the personal residence of the mission member.

(1) **Home-based telecommuting:** Employees spend part of their time performing tasks from home.

(2) **GSA-sponsored telecenters:** Alternative work sites in Federal facilities are, generally, shared by two or more agencies to provide space for employees to work nearer to their home, instead of at their traditional office. Renting telecenter space will be subject to availability of funds. Telecenters are equipped with printers, copiers, fax machines, telephones, video conferencing, and other office essentials. Telecenters also have technical support staff, if needed. See 3 FAM 2362 Exhibit 2362A and 3 FAM 2362 Exhibit 2362B for a list of Federal Interagency Telecommuting Centers in the Washington Metropolitan area.

(3) **Official duty station:** The telecommuter's traditional work site is designated as the official duty station for purposes of special salary rates, locality pay, and travel.

### **3 FAM 2362.2 Background**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Telecommuting in the Federal Government started as a pilot program in 1990. The President's Council on Management Improvement (PCMI), in cooperation with the Office of Personnel Management (OPM) and the General Services Administration (GSA), established the **Federal Flexible Workplace Pilot Project (Flexiplace)**. The nationwide program was established to improve the Federal Government's ability to recruit and retain capable employees by increasing their flexibility to balance work and family priorities, decrease commuting time, traffic congestion, and energy consumption. The flexiplace or "telecommuting" movement is facilitated by innovations in human resources management, changes in the nature of work and advances in new technology.

### **3 FAM 2363 AUTHORITY**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. Presidential memoranda to agency heads on July 11, 1994, and June 21, 1996, directed them to establish, encourage, support, and expand opportunities to telecommute consistent with their responsibilities.

b. An OPM memorandum to agency personnel directors on October 21, 1993, stated that unless a specific statute provides otherwise, agencies have the authority to permit employees to work at locations other than the regular office.

c. The National Telecommuting Action Plan was adopted by the President's Management Council on January 5, 1996.

d. The authority is found under the Federal Employees' Compensation Act.

## 3 FAM 2364 Department Policy

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. The Department will facilitate off-site work arrangements for employees when such arrangements are beneficial to the Department in terms of effective or enhanced quality of work, productivity, timeliness of performance, and/or customer service. While certain benefits accrue to the telecommuting employee (i.e., savings in time and financial costs associated with commuting to and from the office), the mission of the Department must be the primary consideration in approving such an arrangement. Consistent with this consideration, the Department will encourage telecommuting arrangements and approve them whenever feasible.

b. The Bureau of Personnel (PER/ER/EP) will monitor the Telecommuting Program on a continuing basis to determine if it should be modified or discontinued.

### 3 FAM 2364.1 General Policy

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. The programmatic requirements of the office must be a major factor in approving telecommuting arrangements.

b. Telecommuting arrangements will, generally, be limited to **one or two work days** per week. This will ensure that the employee is available in the office on a regular basis during the week to reduce isolation and sustain communication among co-workers. The arrangement will be periodically reviewed by the supervisor to determine its impact on general office morale and productivity.

c. Participation is voluntary.

d. Telecommuting proposals must be based on the adaptability of the person and position for telecommuting and not on the personal circumstances of an employee.

e. Although telecommuting will give some employees more time for their family responsibilities, it is not an alternative for child or elder care. Employees must not use duty time for any purpose other than official duties and must make other arrangements for dependent care.

f. Telecommuting is not an entitlement, nor does it create any right or benefit, substantive or procedural enforceable by a party against management

g. The employee must have a safe and adequate place to work off-site. Telecommuters will also provide sufficient security to protect any U.S. Government-owned equipment, such as computers, fax machines, and copy machines which may be loaned to them.

h. The employee or supervisor may cancel the work arrangement at any time with prior notification of at least five workdays.

i. A supervisor may require the presence of an employee in the office on a day, normally, scheduled for telecommuting. Normally, an employee is notified of such a change in advance, but sometimes advance notice is not always feasible when the circumstances are beyond the supervisor's control. Telecommuters are subject to workplace requirements, e.g., random drug testing, and must come to the office when requested. Transportation costs to the duty station on a day usually scheduled for telecommuting will not be reimbursed by the U.S. Government

j. Particular care and judgement must be exercised with regard to records and information that are sensitive but unclassified (SBU) and/or subject to the Privacy Act. Offices allowing employees' access to these records offsite must ensure that appropriate administrative, technical, and physical safeguards are maintained to protect the confidentiality and integrity of records. (See 12 FAM 540.)

k. All work-related files, records, or papers produced while telecommuting are the property of the U.S. Government and are subject to all applicable laws and regulations governing the use, maintenance, access, and destruction of such files, records, and papers.

### **3 FAM 2364.2 Factors to Consider in Approving Telecommuting Arrangements**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

The following factors should be considered when approving telecommuting arrangements:

(1) The nature of the work to be performed is portable and the employee's job responsibilities allow for effective or enhanced performance away from the official office;

(2) There is no need for the employee to access classified national security information;

(3) The product or work accomplished by the employee while telecommuting can be evaluated and quantified;

(4) The absence of the telecommuter from the traditional work site will not impact negatively on the ability of the organization to accomplish its mission; and

(5) The employee has demonstrated the ability to accomplish work assignments on a timely basis without continuous, direct supervision.

### **3 FAM 2364.3 Examples of Suitable Work**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Whether a job is suitable for telecommuting depends on the nature of the work performed rather than job title. Examples of some types of work which are, generally, suitable for telecommuting are:

(1) Research and writing;

(2) Budget analysis or accounting;

(3) Review of grants or legal cases;

(4) Writing decisions or reports;

(5) Telephone-intensive tasks such as setting up a conference, obtaining information, following up on participants in a study; or

(6) Computer-oriented tasks such as programming, data entry, and word processing.

### **3 FAM 2364.4 Factors Precluding Approval of a Telecommuting Arrangement**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Approval of a telecommuting arrangement is based on whether or not:

(1) The nature of the employee's job responsibilities requires regular access on a daily basis to classified national security information;

(2) The nature of the employee's job responsibilities is not portable (for example, the employee's job requires regular, face-to-face contact with the supervisor, other employees, clients, or the general public);

(3) The employee's demonstrated performance requires close supervision, such as on the job training or if conduct and performance issues are involved;

(4) The employee has less than one year of U.S. Government service; and

e. The employee's absence from the office places a burden on his or her co-workers or creates a morale problem within the office.

### **3 FAM 2364.5 Security**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Employees who telecommute will not work with classified information at the telecommuting work site and will comply with current standards for remote operations from domestic residences.

### **3 FAM 2364.6 The Role of Employees and Supervisors**

#### **3 FAM 2364.6-1 Employee**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. Before requesting to be considered for telecommuting, employees must evaluate their job responsibilities to determine if they are well-suited for telecommuting. Also critical are the employee's work history and personal characteristics. A documented record of reliable and responsible discharge of work duties, an ability to establish priorities and manage time, and a proven track record of personal motivation are measures of successful telecommuters.

b. Employees who require on-the-job training, close supervision, have a record of leave abuse, and/or performance and conduct issues will not be eligible to participate in telecommuting.

#### **3 FAM 2364.6-2 Supervisor**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

The characteristics of the supervisor are critical to a successful telecommuting arrangement. He or she should be comfortable in managing by results versus direct observation. Supervisors will gauge the telecommuter's productivity in the same way as in measuring a traditional worker.

The telecommuter will have to meet project deadlines, and it is suggested that periodic status reports be used to access the work product and to determine its impact on general office morale and productivity. Most importantly, the supervisor must be comfortable with ensuring that the work is accomplished.

## **3 FAM 2365 PROCEDURES TO REQUEST TELECOMMUTING ARRANGEMENTS**

### **3 FAM 2365.1 Telecommuting Request**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. An employee interested in telecommuting should prepare a request for the supervisor outlining an individual telecommuting plan tailored to the employee's job, and the needs of the office. It should include:

- (1) Duties of the position which can be performed at home;
- (2) Materials and equipment which would be required to perform those duties;
- (3) Equipment which will be provided by the employee;
- (4) The days which the employee would prefer to telecommute; and
- (5) Any other information that would be useful to the supervisor in making a decision.

b. If the supervisor concurs in the employees request, final approval is then requested of the executive director of the bureau. Alternatively, bureaus or offices may elect to form a telecommuting review committee to approve or disapprove telecommuting requests. For employees assigned abroad, post's regional and administrative officers must approve, in addition to his or her supervisor. Regional security and administrative officers should consult with the information management officer. The chief of mission, of his or her delegee, must also approve the telecommuting arrangement.

c. Employees must complete the Telecommuting Agreement (3 FAM 2365 Exhibit 2365.1) and Form DS-1963, Safety Checklist for Home-based Telecommuters (3 FAM 2365 Exhibit 2365.2).

### **3 FAM 2365.2 Telecommuting Agreement**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. The employee and supervisor will sign the standard Telecommuting Agreement, 3 FAM 2365 Exhibit 2365.1. PER/ER may participate in establishing the arrangement if requested by the supervisor or employee.

b. A file copy of the telecommuting agreement, signed by the employee and his or her supervisor and approved by appropriate bureau management, must be forwarded to PER/ER/EP. Employee of bureau questions concerning the conformity of a proposed telecommuting arrangement with this regulation should be referred to PER/ER/EP.

### **3 FAM 2366 TIME AND ATTENDANCE CERTIFICATION**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. Management approves the employee's scheduled hours of duty.

b. The supervisor certifies time and attendance to ensure that telecommuting employees are paid for work performed and to account for absences from scheduled hours of duty. The General Accounting Office (GAO) requires agencies with employees working at alternate sites to provide reasonable assurance that the employees are working when scheduled, for example, by determining the reasonableness of work output for the time reported or spent and/or clocking in and out each day via telephone or e-mail.

c. The existing rules on overtime under Title 5 U.S.C. and the Fair Labor Standards Act (FLSA) apply to telecommuting employees. Telecommuting employees may not work overtime without advance approval from their supervisors.

### **3 FAM 2366.1 Leave**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Annual and sick leave must be requested by a telecommuter in the same manner as it would for employees not engaged in telecommuting activities (3 FAM 3310, Leave).

### **3 FAM 2366.2 Alternative Work Schedules**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Telecommuters will maintain hours of duty consistent with their bureau's policies on flexible or alternative work schedules. Guidance on flexible and compressed work schedules is provided in 3 FAM 2330, Scheduling Work.

### **3 FAM 2366.3 Group Dismissal**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

A telecommuting employee may sometimes be affected by an emergency requiring the regular office to close while on a scheduled telecommuting day. For example, on a "snow closing day," the telecommuter shall not be excused unless he or she cannot perform work because the regular office is closed. When both the regular office and the alternative workplace are affected by a widespread emergency, (e.g. power failure) the Department shall grant the telecommuting employee excused absence identical to that given to employees at the regular work site. When an emergency affects only the alternative work site for a major portion of the workday, the employee shall be required to consult with his or her supervisor as whether to report to the official duty station or request annual leave or leave without pay (LWOP).

## **3 FAM 2367 COSTS AND EQUIPMENT**

### **3 FAM 2367.1 Telecenter as the Alternate Work Site**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Costs associated with renting space, including equipment, utilities, etc. at a telecenter, will be borne by the agency or bureau, provided funds are available.

### **3 FAM 2367.2 Home as the Alternate Work Site**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. Management is not obligated to provide any electronic or communication equipment to the telecommuter. However, the executive director of the bureau may loan available equipment (computer, software, or fax) within the bureau to employees for use at home. The employee agrees to protect any Government-owned equipment and to use the equipment only for official purposes. The bureau agrees to install, service, and maintain any Government-owned equipment issued to the telecommuting employee. Ownership and control of the equipment, including hardware, software, and data, remain with the U.S. Government. The U.S. Government will not be responsible for any other incidental costs (e.g. utilities) associated with the use of the employee's residence.

b. The employee is responsible for repair and maintenance of any personal equipment used. The bureau agrees to provide the employee with all necessary office supplies and also reimburses the employee for business-related long distance telephone calls.

### **3 FAM 2367.3 Telephone Calls**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

a. Under 31 U.S.C. Section 1348, reimbursement of long-distance (domestic and international) telephone expenses are allowed if incurred as a result of official duties. Form SF-1164, Claim for Reimbursement for Expenditures on Official Business, should be completed and approved by the employee's supervisor with a copy of the telephone charges.

b. To the extent possible, telecommuters should make official long-distance calls from the regular work site where less expensive rates apply. This will reduce additional costs associated with telecommuting to the Department of State.

### **3 FAM 2368 WORKERS' COMPENSATION**

*(TL:PER-372; 10-01-1999)*

*(State Only)*

*(Applies to Foreign Service and Civil Service Employees)*

Telecommuting employees are covered by the Federal Tort Claims Act of the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. A Telecommuting Agreement and Safety Checklist must be on file. An employee should follow the same procedures adhered to in the traditional office setting when injured while working at an alternate site. The injured employee must notify their supervisor immediately and complete standard Department of Labor injury forms.

**3 FAM 2362 Exhibit 2362A**  
**FEDERAL INTERAGENCY TELECOMMUTING**  
**CENTER PILOT PROJECT MARYLAND—**  
**AREA TELECOMMUTING CENTER LISTING**

*(TL:PER-372; 10-01-1999)*

Bowie

Thurgood Marshall Library  
Bowie St. University  
14000 Jericho Park Road  
Bowie, MD 20715  
Diane Krichmar; (301) 464-6787  
dkrichmar@bowiestate.edu  
Charles Turner; (301) 352-4390  
turnerchar@aol.com

Central Maryland (3 sites)  
Nat'l Guard Learning/TeleCenters  
Ken McNeill; (410) 429-4514  
kmcneill@erols.com  
Renee Thrower; (410) 429-4514  
rthrower@erols.com  
Locations:

Laurel

MD NG Learning/Telecenter  
8601 Odelle Road  
Laurel, MD 20708

Reistertown

Camp Fretterd  
13610 Desert Storm Lane  
Reisterstown, MD 21136

White Oak

MD NG Learning/Telecenter  
12200 Cherry Hill Road  
Silver Spring, MD 20904-1690  
Charles Turner; (301) 352-4390  
turnerchar@aol.com

Frederick

7340 Executive Way, Suite M  
Frederick, MD 21704  
Jean Harley; (301) 698-5904  
harleyj@ibasys.net  
www.ibasys.net/telework.htm

Hagerstown

14 N. Potomac Street, Suite 200  
Hagerstown, MD 21740  
Mary Bray; (301) 745-5601  
<http://pilot.wash.lib.md.us/telework>

As of September 1999

Southern Maryland (3 Sites)

Danette Campbell; (301) 934-7628  
danettec@charles.cc.md.us  
www.telecommutesomd.org  
Locations:

Calvert InTeleWork Center

110 S. Solomon's Island Rd.  
Prince Frederick, MD 20678

Waldorf InTeleWork Center

128 Smallwood Village Shopping  
Center, Waldorf, MD 20602

St. Mary's InTeleWork Center

120 MacArthur Blvd; San Souci  
Plaza, California, MD 20619

**3 FAM 2362 Exhibit 2362B**  
**FEDERAL INTERAGENCY TELECOMMUTING**  
**CENTER PILOT PROJECT VIRGINIA—AREA**  
**TELECOMMUTING CENTER LISTING**

(TL:PER-372; 10-01-1999)

<p><u>Northern Virginia</u> (3 sites)          POC: Larry Siegal, GMU          (703) 279-3301          Email: lsiegel1@gmu.edu          Locations:</p> <p><u>Fairfax City</u>          4031 University Drive; 1<sup>st</sup> Floor          Fairfax, VA 20030</p> <p><u>Herndon</u>          768 Center Street          Herndon, VA 20170</p> <p><u>Loudoun Co.</u>          100 Carpenter Street          Sterling, VA 20166</p>	<p><u>Winchester Telebusiness Center</u>          13 North Loudoun Street          Winchester, VA 22601          POC: Linda Whitmer          (540) 722-6693; Fax (540) 678-1939          Email: lwhitmer@svtbc.com</p> <p><u>Manassas</u>          9500 Godwin Drive; Building 105          POC: Barbara Graziano          (703) 367-3000; Fax (703) 367-0126          Email: barbara.graziano@lmco.com          Internet: <a href="http://www.lmco.com/manassas/telecommute">http://www.lmco.com/manassas/telecommute</a></p>
<p><u>Fredericksburg</u> (2 Sites)          POC: Jennifer Thomas Alcott          (540) 891-3151; Fax (540) 891-3186          Email: jtalcott@radco.state.va.us          Internet: <a href="http://www.radco.state.va.us/telecomm">http://www.radco.state.va.us/telecomm</a>          Locations:</p> <p><u>Spotsylvania County</u>          10799 Columbia Drive          Fredericksburg, VA 22408</p> <p><u>Stafford County</u>          2721 Jefferson-Davis Highway          Suite 11          Stafford, VA 22554</p>	<p><u>Woodbridge</u>          13546 Minnieville Road          Woodbridge, VA 22192</p>

As of September 1999

# 3 FAM 2365 Exhibit 2365.1 TELECOMMUTING AGREEMENT FORMAT

(TL:POH-372; 10-01-1999)

The following is the standard format used by the U.S. Department of State in establishing the necessary assignments, requirements, procedures, and signatures for telecommuting.

**Between the Department of State, Bureau \_\_\_\_\_  
and Employee \_\_\_\_\_ Approved for  
Telecommuting**

*The supervisor and the employee should each keep a copy of the agreement for reference. In addition, a copy should be sent to the Bureau of Personnel's Office of Employee Relations, Employee Programs (PER/ER/EP).*

## 1. Voluntary Participation

Employee recognizes that the telecommuting arrangement is not an employee benefit but an additional method the agency may approve to accomplish work. Employee voluntarily agrees to work at the agency-approved alternate work site indicated below and to follow all applicable policies and procedures.

## 2. Salary and Benefits

Agency agrees that a telecommuting arrangement is not a basis for changing the employee's salary or benefits.

**NOTE:** All pay, leave, and travel entitlement are based on the official duty station.

### Privacy Act Statement

Solicitation of this information is authorized by President Clinton's Memorandum of July 11, 1994 and June 21, 1996 which directed agencies to establish, encourage, support, and expand opportunities to telecommute consistent with their responsibilities. The primary use of this information is by management to approve and document your telecommuting arrangements. Additional disclosures of the information may be: To the Department of Labor when processing a claim for compensation regarding a job connected injury or illness; to a Federal agency when conducting an investigation for security reasons; to a Federal, State, or local law enforcement agency becomes aware of a violation or possible violation of civil or criminal law; or to the Office of Personnel Management when information is required for evaluation of the telecommuting program. This information will also be used for monitoring the Federal agencies' compliance with the President's Memorandum. It will not be used to make any personnel decisions about individuals. Your furnishing the information is voluntary, but failure to do so may result in disapproval of this request.

## Continuation—3 FAM 2365 Exhibit 2365.1

### 3. Duty Station and Alternate Work Site

Agency and employee agree that the employee's official duty station is \_\_\_\_\_ and that the employee's approved alternate work site is \_\_\_\_\_

\_\_\_\_\_  
[street, city, and state].

### 4. Official Duties

Unless otherwise instructed, employee agrees to perform official duties only at the regular office or agency approved alternate work site.

Employee agrees not to conduct personal business during normal working hours at the alternate work site, for example, caring for dependents or making home repairs.

Management reserves the option to inspect alternate work sites during a normal working hours with prior notice of at least 24 hours.

### 5. Work Schedule and Hours of Duty

Consistent with the Bureau's policies on a flexible or alternative work schedules, agency and employee agree upon the following telecommuting schedule:

Days per week at the **duty station**: \_\_\_\_\_

Hours per week at the **duty station**: **From** \_\_\_\_\_ **To:** \_\_\_\_\_

\* \* \*

Days per week at the **alternate site**: \_\_\_\_\_

Hours per week at the **alternate site**: **From** \_\_\_\_\_ **To:** \_\_\_\_\_

### 6. Time and Attendance

Agency agrees to make sure the telecommuting employee's timekeeper has a copy of the employee's work schedule. The supervisor agrees to certify biweekly the time and attendance for hours worked at the regular office and the alternate work site which are consistent with the bureau's policy.

Employee agrees to follow established office procedures for requesting and obtaining approval of leave.

## **Continuation—3 FAM 2365 Exhibit 2365.1**

### **7. Overtime**

A supervisor may approve overtime if needed. The existing rules governing overtime in Title 5 U.S.C. and the Fair Labor Standards Act apply to telecommuting arrangements. Because the supervisor is responsible for regulating and controlling the use of overtime, the supervisor must approve all overtime in advance and be satisfied that more than eight hours in a day were worked.

### **8. Equipment/Supplies**

Equipment and supplies will generally not be provided to the employee. However, a bureau has the option to identify available equipment (e.g., computer, software, or fax) to the employee. If any available U.S. Government-owned equipment is issued to the telecommuting employee, the employee agrees to install, service, and maintain any U.S. Government-owned equipment used.

### **9. Security**

Employees who telecommute will not work with classified information at the telecommuting work site and will comply with current standards for remote operations from domestic residence, as published in 12 FAM 625.2-3, Administrative Security—Telecommuting.

### **10. Liability**

The employee understands that the U.S. Government will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work site, except to the extent the U.S. Government is held liable by the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act.

### **11. Work Area**

The employee agrees to complete Form DS-1963, Safety Checklist for Home-Based Telecommuters, certifying conformance with safety standards at the alternate site. A signed DS-1963 must accompany this agreement. (See 3 FAM 2365 Exhibit 2365.2.)

### **12. Alternate Work Site Costs**

The employee understands that the U.S. Government will not be responsible for any operating costs that are associated with the employee using his or her home as an alternate work site, for example, home maintenance, insurance, or utilities. Work-related long-distance (domestic and international) phone calls will be reimbursed by the agency in accordance with applicable law, regulations, and policies. (See 3 FAM 2367.4.)

## **Continuation—3 FAM 2365 Exhibit 2365.1**

### **13. Injury Compensation**

Employee understands he or she is covered under the Federal Employee's Compensation Act if injured in the course of actually performing official duties at the regular office or the alternate work site. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternate work site and to complete any required forms. The supervisor agrees to investigate such a report immediately.

### **14. Work Assignments/Performance**

Employee agrees to complete all assigned work according to procedures mutually agreed upon by the employee and the supervisor and according to guidelines and standards in the employee performance plan. The employee agrees to provide regular reports if required by the supervisor to help judge performance. The employee understands that a decline in performance may be grounds for canceling the alternate work site arrangement.

### **15. Records Management**

Employee agrees to protect U.S. Government or agency records from unauthorized disclosure or damage and will comply with requirements of the Privacy Act of 1974, 5 U.S.C. 552a. Sensitive but unclassified (SBU) information will be handled in accordance with 12 FAM 540.

### **16. Standards of Conduct**

Employee agrees he or she is bound by agency standards of conduct while working at the alternate work site.

Nothing in this agreement precludes the agency from taking any appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this agreement or regulations contained in 3 FAM 2360.

### **17. Cancellation**

Supervisors and employees have the right to cancel the telecommuting arrangement with prior notice of at least **five** work days.

Employee's Signature and Date: \_\_\_\_\_

Supervisor's Signature and Date: \_\_\_\_\_

Executive Office Approval and Date: \_\_\_\_\_



**3 FAM 2365 Exhibit 2365.2**  
**DS-1963, SAFETY CHECKLIST FOR HOME-  
BASED TELECOMMUTERS**

(TL:PER-372; 10-01-1999)



**SAFETY CHECKLIST FOR HOME-BASED TELECOMMUTERS**

*The following checklist is designed to assess the overall safety of your alternate duty station. Please read and complete the self-certification safety checklist. Upon completion, you and your supervisor should sign and date the checklist in the spaces provided.*

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_

Business Telephone: \_\_\_\_\_ Work and Family Name: \_\_\_\_\_

The alternate duty station is: \_\_\_\_\_ Supervisor's Name: \_\_\_\_\_

Briefly describe the designated work area in the alternate duty station.

**A. Workplace Environment**

1. Are temperature, noise, ventilation and lighting levels adequate for maintaining your normal level of job performance? Yes  No
2. Are all stairs with four or more steps equipped with handrails? Yes  No
3. Are all circuit breakers and/or fuses in the electrical panel labeled as to intended service? Yes  No
4. Do circuit breakers clearly indicate if they are in the open or closed position? Yes  No
5. Is all electrical equipment free of recognized hazards that would cause physical harm (frayed wires, bare conductors, loose wires, flexible wires running through walls, exposed wires to the ceiling)? Yes  No
6. Will the building's electrical system permit the grounding of electrical equipment? Yes  No
7. Are aisles, doorways, and corners free of obstructions to permit visibility and movement? Yes  No
8. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways? Yes  No
9. Do chairs have any loose wheels and are the rungs and legs of the chairs sturdy? Yes  No
10. Are the phone lines, electrical cords, and extension wires secured, taped under a desk, alongside a baseboard, or under carpet? Yes  No

## Continuation—3 FAM 2365 Exhibit 2365.2

11. Is the office space neat, clean, and free of excessive amounts of combustibles? Yes  No
12. Are floor surfaces clean, dry, level and free of worn or frayed seams? Yes  No
13. Are carpets well secured to the floor and free of frayed or worn seams? Yes  No
14. Is there enough light for reading? Yes  No

### **B. Computer Workstation (if applicable)**

15. Is your chair adjustable? Yes  No
16. Do you know how to adjust your chair? Yes  No
17. Is your back adequately supported by a backrest? Yes  No
18. Are your feet on the floor or fully supported by a footrest? Yes  No
19. Are you satisfied with the placement of your monitor and keyboard? Yes  No
20. Is it easy to read the text on your screen, is it free from noticeable glare? Yes  No
21. Do you need a document holder? Yes  No
22. Do you have enough leg room at your desk? Yes  No
23. Is the top of the screen level? Yes  No
24. Is there space to rest the arms while not keying? Yes  No
25. While keying, are your forearms close to parallel with the floor? Yes  No
26. Are your wrists fairly straight when keying? Yes  No

\_\_\_\_\_  
*Employee's Signature*

\_\_\_\_\_  
*Date (mm-dd-yyyy)*

\_\_\_\_\_  
*Immediate Supervisor's Signature*

\_\_\_\_\_  
*Date (mm-dd-yyyy)*

Approved  Disapproved

Please return a copy to your flexiplace coordinator.

*\*This checklist was developed by the General Service Administration.*